

MINUTES
SENATE HEALTH & WELFARE COMMITTEE

DATE: Tuesday, February 25, 2020

TIME: 3:00 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Chairman Martin, Vice Chair Souza, Senators Heider, Lee, Harris, Burtenshaw, Bayer, Jordan, and Nelson

ABSENT/ EXCUSED: None

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Chairman Martin** called the meeting of the Senate Health and Welfare Committee (Committee) to order at 3:07 p.m.

S 1354 **Senator Harris** presented **S 1354** which relates to hospital regulations. He explained this legislation amends Idaho Code § 39-1307 to state that any IDAPA rules in this chapter that are more restrictive than the federal guidelines shall not apply to hospitals that are certified by Centers for Medicare and Medicaid Services (CMS) through accreditation, survey, or otherwise. The Department of Health and Welfare (DHW) agreed to address the rules after the legislative session and indicated any changes would not go into effect until July 2021.

TESTIMONY: **Toni Lawson**, Vice President of the Idaho Hospital Association (IHA), stated they are in support of **S 1354**. IHA represents Idaho's 44 community hospitals around the state. Idaho's hospitals are one of the most regulated facilities in the state with over 70 oversight entities. In most cases, the CMS guidelines are much more stringent and extensive than the state IDAPA rules. In some cases, the state rule has turned out to be more restrictive than the federal government and that causes issues with consistency and compliance. One of problems is the use of restraints. The CMS guidelines and the IDAPA rules are quite problematic over discrepancies, inconsistencies, and guidelines. **Ms. Lawson** stated that they would like to get as close to one set of guidelines as possible and this legislation would be a big step forward. See attachment 1.

DISCUSSION: **Vice Chair Souza** said she doesn't remember the IDAPA rule regarding restraints and **Ms. Lawson** reviewed the rule. **Senator Nelson** inquired as to what an accreditation survey means and **Ms. Lawson** said that some hospitals are accredited directly by state surveyors who are representing CMS while other hospitals use the Joint Commission.

Chairman Martin asked if there has been an effort to work with DHW or will there be an effort. **Ms. Lawson** replied that the DHW has agreed, but it will be after 2021 before the changes are in effect. **Senator Lee** inquired as to why shouldn't all the IDAPA rules be repealed. **Ms. Lawson** answered that would not be feasible because some hospitals in Idaho are not CMS accredited and are not under the guidelines, such as State Hospital North (SHN). If all rules were repealed, then those hospitals wouldn't have any guidelines at all to be held accountable to.

Senator Heider said his inquiry concerns the last three lines of the bill and asked who is responsible for determining if the actions are acceptable. **Ms. Lawson** stated that the Bureau of Facility Standards (BFS) surveyors make that determination. There are multiple entities responsible for following standards.

Vice Chair Souza commented about rules in conflict with IDAPA. In closing the discussion, **Ms. Lawson** said DHW sent a letter to both Chairmen of the Senate and House Health and Welfare Committees at the start of the legislative session acknowledging the conflict with state statute.

TESTIMONY: **Jennifer Misajet**, Chief Nursing Officer for Saint Alphonsus Health System said they are in support of **S 1354**. **Ms. Misajet** said they face immense challenges when regulations imposed by the state are inconsistent and even more stringent than CMS standards. They have seen a 25 percent increase in required observation hours from 2018 to July 1, 2019 and that has resulted in the need to hire an additional 60 patient safety attendants to meet the requirements. **Ms. Misajet** said this over-regulation has added costs to the healthcare they provide without necessarily increasing quality. See attachment 2.

Adrienne Frazier, a registered nurse with Saint Lukes Intensive Care Unit (ICU) Department, relayed an example of a patient that was not restrained and said the documentation is a burden on the care that is provided. She asked the Committee to please support this bill.

DISCUSSION: **Vice Chair Souza** inquired as to why restraints would not be appropriate in ICU. **Ms. Frazier** said the burden of documentation robs her of providing good patient care.

Senator Harris concluded the discussion by saying he has served on a critical care access board for 13 years and has seen a huge change in nurses becoming paper-work shufflers, rather than nurses. He asked for the Committee's support on this bill.

Senator Lee stated she had a conflict of interest pursuant to Rule 39(H) but intended to vote.

MOTION: **Senator Lee** moved to send **S 1354** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**. Senator Harris will be the floor sponsor.

RS 27811 **Chairman Martin** said he is taking **RS 27811** to the House Health and Welfare Committee, as they are a privileged committee. It will not be heard in this Committee at this time.

ADJOURNED: There being no further business at this time, **Chairman Martin** adjourned the Committee at 3:44 p.m.

Senator Martin
Chair

Margo Miller
Secretary

Juanita Budell
Assistant Secretary